

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of:
H. ITAGAKI

Serial No.: **10/508,872**

Filed: **SEPTEMBER 23, 2004**

Title: **METHOD FOR RECORDING
 DATA FRESHNESS DEGREES BY A
 TAPE DRIVE**

§ Attorney Docket No.: **JP920020048US1**

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Examiner: **UNASSIGNED**

Group Art Unit: **UNASSIGNED**

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the U.S. Designated/Elected Office (DO/EO/US) dated **April 11, 2005**, having a shortened statutory period set to expire **June 11, 2005**, Applicant submits the following items:

1. The processing fee of \$130.00 under 37 CFR § 1.492(f) for providing an English translation of the application later than 30 months from the priority date of April 3, 2002, is authorized for charge to IBM Corporation's Deposit Account No. **09-0449**.

CERTIFICATE OF MAILING
 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service on the below listed date with sufficient postage for first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4/20/05

By: Uriy Silyanov
 Signature

2. Claims 1-8, provided in the Substitute Specification filed with this National Phase – U. S. application, did commence on a separate sheet; however, Applicant again submits the Claims commencing on a separate sheet pursuant to 37 CFR § 1.75(h).

1. A method for recording data by a tape drive, said method comprising:

recording a set of data and a data freshness degree associated with said set of data a tape recording medium, wherein said data freshness degree indicates how new said set of data is with respect to a set of previously-recorded data;

determining whether or not a fault occurs during said recording of said set of data on said tape recording medium;

in response to a determination that a fault occurs during said recording, reading a data freshness degree of data within said faulty portion on said tape recording medium; and

recording said data freshness degree of said set of data immediately before said faulty portion on said tape recording medium, wherein said data freshness degree is higher than said data freshness degree of data within said faulty portion.

2. The method of Claim 1, wherein said method further includes continuously recording data and data freshness degrees in portions subsequent to said faulty portion on said tape recording medium using a data freshness degree that is equal to or higher than said data freshness degree of said set of data immediately before said faulty portion.

3. The method of Claim 1, wherein said method further includes in response to a last set of data to be sequentially recorded on said tape recording medium,

reading a data freshness degree of a predetermined area ahead of a location on said tape recording medium in which said last set of data is to be recorded; and

recording a data freshness degree of said last set of data, wherein said data freshness degree of said last set of data is higher than said data freshness degree of said predetermined area.

4. The method of Claim 1, wherein said method further includes:

acquiring a written data freshness degree from said tape recording medium;

determining whether or not said written data freshness degree is erroneous;

determining a faulty portion freshness degree of a faulty portion on said tape recording medium; and

recording a data freshness degree immediately before said faulty portion, wherein said data freshness degree is higher than said faulty portion freshness degree.

5. A tape drive comprising:

means for recording a set of data and a data freshness degree associated with said set of data a tape recording medium, wherein said data freshness degree indicates how new said set of data is with respect to a set of previously-recorded data;

means for determining whether or not a fault occurs during said recording of said set of data on said tape recording medium;

in response to a determination that a fault occurs during said recording, means for reading a data freshness degree of data within said faulty portion on said tape recording medium; and

means for recording said data freshness degree of said set of data immediately before said faulty portion on said tape recording medium, wherein said data freshness degree is higher than said data freshness degree of data within said faulty portion.

6. The tape drive of Claim 5, wherein said tape drive further includes means for continuously recording data and data freshness degrees in portions subsequent to said faulty portion on said tape recording medium using a data freshness degree that is equal to or higher than said data freshness degree of said set of data immediately before said faulty portion.

7. The tape drive of Claim 5, wherein said tape drive further includes in response to a last set of data to be sequentially recorded on said tape recording medium,

means for reading a data freshness degree of a predetermined area ahead of a location on said tape recording medium in which said last set of data is to be recorded; and

means for recording a data freshness degree of said last set of data, wherein said data freshness degree of said last set of data is higher than said data freshness degree of said predetermined area.

8. The tape drive of Claim 5, wherein said tape drive further includes:

means for acquiring a written data freshness degree from said tape recording medium;

means for determining whether or not said written data freshness degree is erroneous;

means for determining a faulty portion freshness degree of a faulty portion on said tape recording medium; and

means for recording a data freshness degree immediately before said faulty portion, wherein said data freshness degree is higher than said faulty portion freshness degree.

REMARKS

No additional fee is believed to be required. If, however, additional fees are required, please charge those fees to IBM Corporation Deposit Account No. **09-0449**.

Respectfully submitted,



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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/508,872 | Hiroshi Itagaki | JP920020048US1 |

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| INTERNATIONAL APPLICATION NO. | |
| PCT/JP03/01516 | |
| IA. FILING DATE | PRIORITY DATE |
| 02/13/2003 | 04/03/2002 |

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 CONFIRMATION NO. 1107
 371 FORMALITIES LETTER
 OC000000015651007
 OC000000015651007

Date Mailed: 04/11/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/23/2004
- English Translation of the IA filed on 09/23/2004
- Copy of the International Search Report filed on 09/23/2004
- Copy of IPE Report filed on 09/23/2004
- Oath or Declaration filed on 09/23/2004
- Request for Immediate Examination filed on 09/23/2004
- U.S. Basic National Fees filed on 09/23/2004
- Substitute Specification filed on 09/23/2004
- Priority Documents filed on 09/23/2004

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(f)).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** for English translation surcharge required.

- The Claim(s) commencing on a separate sheet (37 CFR 1.75(h)).

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/508,872 | PCT/JP03/01516 | JP920020048US1 |